

FILED

MAY 06 2015

UNITED STATES DISTRICT COURT

for the

Western District of Texas

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY UNAR
DEPUTY

United States of America

v.

Erick Alvarez

Case No.

EP-15-M-1568-NJG

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 1, 2015 to May 5, 2015 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 U.S.C. 2252 (a)(4)(B)

Possession of child pornography

Title 18 U.S.C. 2252 (a)(1)

Distribution of child pornography


Title 18 U.S.C. 2252 (a)(2)(A)

Receipt of child pornography

This criminal complaint is based on these facts:

See attachment, Probable Cause Affidavit attached hereto and incorporated herein.

☒ Continued on the attached sheet.



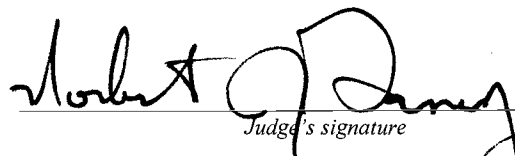
Complainant's signature

Adam Reynolds, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/06/2015



Judge's signature

City and state: El Paso, Texas

U.S. Magistrate Judge, Norbert J. Garney

Printed name and title

Probable Cause Affidavit

I, Adam L. Reynolds, having been duly sworn, depose and state as follows:

1. Adam L. Reynolds is a Special Agent (SA) of the Federal Bureau of Investigation (FBI). SA Reynolds is an investigative or law enforcement officer of the United States of America within the meaning of Title 18, United States Code (USC), Section 2510(7), that is an officer of the United States who is empowered by law to conduct investigation of, and make arrests for, offenses enumerated in Title 18.

2. On or about February 4, 2015 through February 26, 2015, Online Certified Employee (OCE), using law enforcement software, identified IP address 107.204.15.33. Said IP address was utilizing the ARES network to aid in the possession and/or sharing of child pornography. Investigative focus was directed to a device at IP address 107.204.15.33, because it was previously identified by investigators as conducting hash value or key word searches. These searches are related to child abuse material including child pornography on the ARES network. The following 35 files were made available by a computer at SUBJECT IP ADDRESS and successfully downloaded:

File Name
pthc_kingpass_hussyfan_three_lesbians_lolis_indoor(3).wmv
!!!suertuudoo.avi
linda - suck, fuck & swallow pthc (compilation with music).wmv
pthc lesbian 8yr old sweetie grown woman lesbian 20(2).mpg
!!!new!!! (pthc) linda - a little extra217 avi - - (sdpa) linda - 10 aÃfÆ'Ã,Â±os mamando y tomando semen.avi
1(2).flv
(1) pthc 2009 cachando (veci the new linda)(2).avi
(pthc) webcam - 5y & 11y daughters show yours (1)[1].avi
(pthc) webcam - 13yr pretty polish girl striptease.mpg
13 yr old lesbo sisters ania & marina (mylola info).avi
linda niÃfÆ'Ã,Â±a con vestido rosado.mpg
!!!new 4 2.avi

(moscow) (liluplanet) (nablot) (st petersburg).mpg
(~pthc center~)(opva)(2012) 10y 11y mexican sisters fooled to get a blowjob.3gp
pthc center)(opva soft)(2013) 5yr and 6yr sisters full video 5yr shows everything (unpublished).avi
falkovideo falko 01 (recoded for mobilephone).avi
!!!2010 pthc falko part2film2.avi
curious sisters.avi
(pthc) - (liluplanet) (lordofthering) probe 2 vera 12yr (scene2).mpg
(~pthc center~)(opva)(2014) asian cambodian svay001 (snd) xvid.avi
(pthc) open - f22 mom teaching daughter how to suck cock.mpg
ptsc little sister (stickam) 5 nr(2).avi
biza pthc 13y 8y russian lesbian girls - toohard (2).avi
2010 pthc babyshivid frifam babyj younger - held by mom fuck_ anymore.mpg
\$ra5d87h.avi
(pthc) 2011 little asian sisters (lesbian)(2).avi
(pthc) 8yr mom rubbs daughter.mpg
sisters posing 10 & 14 pthc.avi
1234.mpg
10-14yr kinder ficken sich und die eltern machen mit 59 04 min.mpg
(pthc) daughter held by mom fucked by dad.mpg
- (sdpa) mom - old sister and little kid -amily sex pthc.mpg

There were 3 files not included in the above list, because they did not have file names, only recognized hash values.

3. Using a computer to conduct investigations on the Ares Peer-to-Peer (P2P) file sharing network, OCE directly connected to the device at IP address 107.204.15.33, hereinafter referred to as "Suspect Device". The Suspect Device reported it was using the Ares Peer-to-Peer (P2P) file sharing network.

4. On February 6, 2015, between 0116 hrs and 0204 hrs (UTC -8), the following file, was made available by a computer at SUBJECT IP ADDRESS, and successfully downloaded:

File Name	SHA1
19.mpg	L66SAOBZRZEQYL4I2M3WNWWE7UBLLJCB

5. On February 26, 2015, between 2201 hrs and 2304 hrs (UTC -8), the following file, was made available by a computer at SUBJECT IP ADDRESS, and successfully downloaded:

File Name	SHA1
!!!suertuudoo.avi	5MYQMBFGYULTM36X6EN5G3EZIKNXF4AG

6. The videos have been recognized by the National Center for Missing and Exploited Children and are described as follows:

Title: **19.mpg**

The video is approximately 2 minutes and 20 seconds in length and contains an approximately fifteen year old female on top of what appears to be an adult male. The adult males penis appears to be making penetration into the underage girls vagina. The underage female is also seen rubbing her vagina on the males penis.

Title: **!!!suertuudoo.avi**

This color video or movie is 14 minutes and 18 seconds in length. This video depicts a naked pubescent male or boy taking a shower. The camera then changes to a naked adult female that is fondling her breast and vagina while lying on a bed. The boy in the shower then begins to masturbate as does the adult female on the bed. The video then changes to another pubescent male or boy standing in a room fully clothed. There is a fully clothed adult female also in the room. The adult female removes the boy's pants and begins to perform oral sex on his penis. The boy then begins to perform oral sex on the adult female's vagina, before having vaginal intercourse with her. A second adult female then enters the room and begins performing oral sex on the boy's penis, before having sexual intercourse with him until he ejaculates.

7. On February 4, 2015, a DNS check of the SUBJECT IP ADDRESS conducted through the American Registry for Internet Numbers (ARIN) indicated the IP address was registered to AT&T Internet Services.

8. On or about February 23, 2015, in response to an Administrative subpoena, Time Warner Cable provided the following results for IP address 107.204.15.33:

Subscriber Name: XXXXXXXXXXXX

Subscriber Address: SUBJECT ADDRESS

9. Additional research, through open source record checks revealed other occupants possibly residing at SUBJECT ADDRESS, to include **Erick Alvarez**:

10. On March 2, 2015, Special Agent (SA) Adam Reynolds and SA Curtis Imming conducted a drive by surveillance of SUBJECT ADDRESS for the purpose of conducting a WiFi scan. The WiFi scan showed multiple wireless networks in the area of the home, but all networks were secured. SA Reynolds was unable to determine which wireless network was being utilized by the residence.

11. On May 5, 2015, Special Agents of the FBI and El Paso Police Department Officers executed a Federal search warrant on SUBJECT ADDRESS. During the execution of the warrant one Western Digital Passport External Hard Drive was previewed on site. A preview is just a brief review looking for known files of interest. These files of interest are files that have been previously identified by law enforcement as containing child pornography. SA Reynolds reviewed one such file of the many that were identified. The file path for this file was \erick\new folder (3) .

The file was titled **“! Pthe kinderkutje composite 01 – father and his 8-10yr twins daughters.”** The video was approximately 10 minutes and 43 seconds in length and contained what appears to be an 8 year old girl having vaginal intercourse with a an adult male. The video transitions and the child is seen with her legs spread apart and masturbating. The video transitions again and another underage female is seen performing oral sex on the first girl.

12. Also located during the execution of the search warrant was an HP Pavillion laptop SN: 5CG3443SSY. This device was also previewed on site. A preview is just a brief review looking for known files of interest. The preview showed that the previously mentioned files of **“19.mpg and !!!suertuudoo.avi”** were located on this machine. The file path for these files were \users\erick alvarez\desktop\my shared folder.

13. Both devices were found in Erick Alvarez’s bedroom. The bedroom contained numerous documents that contained his name and other personal information. Other family members at the residence during the time of execution identified this room as Erick’s.

14. On May 5, 2015, Erick Alvarez was interviewed by SA Reynolds and El Paso Police Department Officer Robert Salido. After being advised of his rights, Alvarez signed and initialed the advice of rights form and agreed to answer questions. Alvarez stated that both the external hard drive and the laptop were his. Alvarez further stated that he utilized the ARES P2P network to obtain child

pornography. Alvarez stated that he had been viewing child pornography for a couple of years. Alvarez believed the youngest child he had viewed was approximately eight years old. Alvarez was aware that watching these videos was both morally wrong and illegal.

15. Alvarez after being informed that his consent to search was voluntary, he gave consent to search his cell phone which was located in his vehicle. A quick review of the phone by FBI agents revealed KIK messages containing child pornography. SA Reynolds then asked Alvarez about these images and he stated he was a part of a group on KIK that exchanged images. He stated that he both sent and received images.

16. In conclusion – law enforcement software identified the IP address, 107.204.15.33 as having images depicting child pornography. Additionally, OCE directly downloaded numerous files and determined them to be child pornography (2 of which are described above). Had the user (in this case using the P2P client Ares) not had file sharing turned on from their computer, no one, including law enforcement, would have the ability to download the aforementioned content. Results from an Administrative Subpoena to Time Warner Cable revealed the service address to be SUBJECT ADDRESS. During the execution of the search warrant child pornography was found on devices utilized by Erick Alvarez. Alvarez then gave a voluntary statement admitting that those devices were his and that he had child pornography on those devices.

17. Based on the above information, SA Reynolds believes there is Probable Cause Erick Alvarez, by using the internet which is a facility of interstate commerce and committed acts in violation of Title 18 U.S.C 2252(a)(2) Distribution of Child Pornography, Title 18 U.S.C 2252 (a)(4)(B) Possession of Child Pornography and Title 18 U.S.C 2252 (a)(2)(A) Receipt of Child Pornography.